

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 20, 1994

ALL-COUNTY LETTER NO. 94-79

TO: ALL COUNTY WELFARE DIRECTORS  
ALL GROUP HOME PROVIDERS  
ALL COUNTY PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: ASSEMBLY BILL (AB) 1377 (CHAPTER 199, STATUTES OF 1994) CHANGES TO REQUIREMENTS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC) GROUP HOME RATE CLASSIFICATION LEVELS (RCL) 13 and 14

Supersedes: ACL No. 92-99

This letter is to provide you with information on the changes made by AB 1377 relative to the continuation of AFDC-FC group home RCL 13 and 14. These changes are effective July 1, 1994.

AB 1377 extends indefinitely certain provisions of Senate Bill (SB) 307 (Chapter 714, Statutes of 1992) that sunset June 30, 1994. The extension of the provisions provides the California Department of Social Services (CDSS) with the authority to continue to classify programs at RCL 13 and 14 and continue to provide group home providers operating at such levels with a rate commensurate with the services provided.

To implement the provisions of AB 1377, CDSS will be filing emergency regulations with the Office of Administrative Law. The CDSS will notify you in the event the regulations are not filed or if there are any changes to the information contained within this letter.

Group home providers should be aware that nothing contained within this letter exempts group home providers from established community care licensing requirements. All providers will be required to adhere to all group home licensing requirements and regulations in administering programs operating at RCL 13 or 14. Group home providers should also be aware that any changes made to their programs which result in any RCL increase or decrease must be reported to the provider's community care licensing analyst as well as to their rates consultant.

Requirements for Classification

Commencing July 1, 1994, group home providers who wish to have programs classified at RCL 13 or 14 must meet all of the following conditions:

- o The group home program must be providing or have proposed to provide the level of care and services necessary to generate sufficient points in the rate-setting process to be classified at RCL 13 or 14.

- o The group home provider must agree to accept for placement into the program only those AFDC-FC funded children who have been approved for placement by an Interagency Placement Committee (IPC) which is comprised of membership from at least the placing agency and a licensed mental health professional from the local mental health agency. Such approvals must be in writing and indicate that the IPC has determined the child to be seriously emotionally disturbed (SED) as defined in section 5600.3 of the Welfare and Institutions Code (WIC). In addition, the approval is subject to the provisions contained in section 1502.4 of the Health and Safety Code, and must indicate that the child needs the level of care provided by the group home program.

Group home providers must submit a statement to the effect that the program will only accept children with IPC approvals. The statement should indicate that as of July 1, 1994 or the proposed effective date of the RCL 13 or 14 rate, the provider agrees to accept for placement only children who have been approved for placement by an IPC. The statement must be dated with a current date and contain an original signature by the same individual whose signature appears on the SR 1 rate application form. In order for rate applications for RCL 13 and 14 to be considered complete, this statement must be submitted to the Foster Care Rates Bureau (FCRB) as part of the annual rate application process or as part of the program change application process.

Group home providers who accept SED children pursuant to an individualized education program will be considered to have met the IPC requirement, provided the individualized education program assessment indicates the child is SED as defined and is in need of the level of care provided by the group home program.

- o The group home program must be certified by the State Department of Mental Health (DMH) or its designee to include provisions for mental health treatment services that meet the needs of SED children. Program certifications issued by the DMH will be valid for a period of one year unless terminated and will specify the date the program met the certification requirements. In order for rate applications for RCL 13 and 14 to be considered complete, a copy of this certification must be submitted to the FCRB as part of the annual rate application process or as part of the program change application process.

#### Inappropriate Placements and Penalties

If, at any time subsequent to placement in an RCL 13 or 14 group home program, an IPC determines that a child is not SED as defined or not in need of the care and services provided by a group home program, it is the responsibility of the IPC to notify, in writing, both the county placing agency and the group home provider within ten days of the determination. Within 30 days from the date of the notice from the IPC, the county placing agency will be responsible for removing the child from the group home program. In addition, the county placing agency must notify the group home provider within five days of the date of the notice of the county's plan for removal of the child.

If the county placing agency does not remove the child within 30 days from the date of the IPC notice, the group home provider must notify the IPC and the FCRB, in writing, of the county's failure to remove the child from the group home program. This notice must be made within five days of the expiration of the 30-day removal period.

Any county placing agency that fails to remove a child from a group home program within 30 days from the date of notice from the IPC will be assessed a penalty in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child, beginning on the 31st day and continuing until the child is removed.

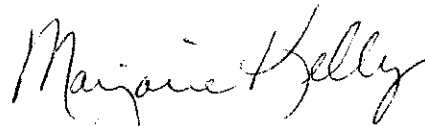
In addition, group home programs that fail to maintain the level of care and services necessary to generate the requisite number of points for RCL 13 or 14 or fail to maintain a certified mental health treatment program as required, will be subject to reclassification, rate reduction and overpayment.

Program Changes for RCL 13 and 14 during Fiscal Year (FY) 1994-95

It should be noted that for FY 1994-95, all requests for program changes will be subject to the program change prohibition/requirements set forth in AB 836 (Chapter 148, Statutes of 1994). Group home providers and counties will be receiving an all county information notice shortly that will contain a detailed description of the requirements governing program changes during FY 1994-95.

In addition, all program change applications are subject to the provisions contained in Manual of Policies and Procedures section 11-402.43. For those requests for RCL 13 or 14, AB 1377 modifies the requirements for a recommendation from the county. Previously, section 11462.01(c) of the WIC stated that the recommendation must come from both the host county and primary placing county, and that the program is needed and that the provider is willing and capable of operating the program at that level. Section 11462.01(b) of the WIC states that the recommendation may come from either the host county or the primary placing county, and that the program is needed and that the provider is willing and capable of operating the program at that level. As such, any provider requesting a program change to an RCL 13 or 14 will need to obtain this required recommendation before the CDSS is able to establish a rate at these levels.

If you have specific questions as to the instructions contained within this letter or how AB 1377 relates to your group home program, please contact your group home rates consultant in the FCRB at (916) 323-1263.



MARJORIE KELLY  
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Children and Family Services Division

c: California Welfare Directors Association  
Department of Mental Health